

REMARKS

Regarding the status of the present application, Claims 1 and 11 have been amended, and Claims 1-19 are pending in this application. Reconsideration of this application is respectfully requested. A petition and fee for a one month extension of time is enclosed. The following remarks are in response to the Office Action mailed July 2, 2004.

Claims 1-19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner indicated that "Claims 1 and 17 recite that the rods are "lockable"; however, this functional language is unsupported by the claimed structure. Therefore the claim is not definite."

Claims 1 and 11 have been amended so that they cannot possibly be interpreted as reciting that the rods are "lockable". Claims 1 and 11 have been amended to recite that "... rods and clamps are rotatable and slidable relative to each other to position the rods at varying and arbitrary angles relative to each other." Claims 1 and 11 recite that the "clamps" are lockable, which is entirely appropriate.

With regard to Claim 17, it is respectfully submitted that there is no recitation in this claim that can be interpreted as reciting that the rods are "lockable", as is asserted by the Examiner. The essence of the language contained in Claim 17 recites that each clamp is rotatable, slidable and lockable to two rods. Thus, with regard to Claim 17, it is clear that it is the clamp that is lockable, and there is absolutely no language in this claim that suggests that the rods are lockable, as is asserted by the Examiner.

In view of the above discussion, and in view of arguments presented in the previous responses, it is respectfully submitted that independent Claims 1, 11 and 17 are clear and definite. Withdrawal of the Examiner's rejection of Claims 1-19 is respectfully requested.

Claims 1-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 3,987,579 issued to Palenik, III. The Examiner has repeated the rejection stated in the prior Office Action. The Examiner's position is that "Palenik III discloses a universal fixture having a plurality of dual axis clamps (38) each are rotatably and slidably secured rods (fig. 3), and a base (13). Palenik III discloses enough parts to anticipates all claim pluralities."

The Examiner argued that "It is well known to use friction fits to lock something so without structure this all the applicant will have as well. This is not a simple matter since patentability is being based on this limitation."

A definition of the term "clamp" recited in Webster's New International Dictionary, Second Edition, is as follows:

"Any of various instruments or appliances having parts brought together by a screw or screws, or otherwise, for holding or compressing anything."

Thus, it is inherent that a clamp comprises one or more screws or other mechanisms for holding or compressing an object.

It is respectfully submitted that the universal holding fixture recited in the pending Claims include a plurality of clamps. These clamps necessarily include structure that supports the fact that the apparatus is lockable. The recited "clamps" are the structure that supports the apparatus being lockable.

It is respectfully submitted that friction fits, such as may be disclosed in the Palenik, III patent, do not constitute a "clamp" as is presently claimed. There is no device disclosed or suggested in the Palenik, III patent that constitutes a clamp, as that term is defined.

It is respectfully submitted that the "structure to support the apparatus being lockable" recited in the pending Claims are the recited clamps, since the clamps comprise parts that are brought together by a screw or screws, or otherwise, to hold or compress the respective rods.

In view of the above, it is respectfully submitted that the Palenik, III patent does not disclose or suggest structure that constitutes or functions as a clamp, as that term is defined. Therefore, it is respectfully submitted that the Palenik, III patent does not disclose or suggest the inventions recited in Claims 1-19. Withdrawal of the Examiner's rejection and allowance of Claims 1-19 are respectfully requested.

The prior art heretofore made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that all pending Claims are clear and definite, and are not anticipated by, nor are they obvious in view of, the Palenik, III patent. Therefore, it is respectfully submitted that the pending Claims are allowable, and that the present application is in condition for allowance. Reconsideration and allowance of this application are earnestly solicited.

Respectfully submitted,



Kenneth W. Float
Registration No. 29,233

The Law Offices of Kenneth W. Float
2095 Hwy. 211 NW, Suite 2F #356
Braselton, GA 30517
Telephone: (949) 257-7964
Facsimile: (770) 867-0082
E-mail: kwfloat@floatlaw.com